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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,748	12/29/2004	Akihiro Matsuda	00250.000032	9204

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,748

Applicant(s)

MATSUDA ET AL.

Examiner

Joanne Silbermann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/05, 8/1/07</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In line 5 "these" should be "the". Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6/1, and 9/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan, WO 98/53348 in view of Bradshaw et al. EP 0 333 502 B1.
3. McGaffigan teaches a retroreflective, internally illuminated sign including a back projector type illuminator (Figure 1), an information display section (the outer surface) which may be cylindrical (Figures 14A and 14B), and a prismatic retroreflective element 29 (Figure 2) including a large number of prismatic elements wherein the back part of the prismatic elements has no bonded area with other layers.
4. McGaffigan does not teach a housing for the information display, however this is well known as shown by Bradshaw et al. Bradshaw et al. teach an information display section contained in enclosure 11 (Figure 1). It would have been obvious to a person having ordinary skill in the art to utilize such a housing so as to provide protection for the prismatic elements and the display section.

5. Claims 2, 3, 6/2, 6/3, 8, 9/2, and 9/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan and Bradshaw et al. as applied to claim 1 above, and further in view of Mimura et al. EP 1 136 847 A2.

6. McGaffigan (as modified above) does not teach the specific retroreflective elements, however such elements as recited in Applicant's claims 2 and 3 are taught by Mimura et al. Mimura et al. teach triangular-pyramidal cube-corner elements in closely packed pairs etc. as specifically described in the Abstract and paragraphs [0039] through [0042]. It would have been obvious to one of ordinary skill in the art to utilize such specific retroreflective elements so that a highly visible sign may be produced.

7. Claims 4/1 and 5/4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan and Bradshaw et al. as applied to claim 1 above, and further in view of Toshiba Corp. JP 9-291280 A.

8. McGaffigan and Bradshaw et al. do not teach a display wherein the daylight color is fluorescent, however, this is well known in the art as shown by Toshiba. Toshiba teaches a sign having a daylight fluorescent color of appropriate YF value. It would have been obvious to one of ordinary skill to utilize such a fluorescent color in the display of McGaffigan (as modified) to provide a better illuminated display.

9. Claims 4/2, 5/4/2, 4/3, 5/4/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan, Bradshaw et al. and Mimura et al. as applied to claims 2 and 3 above, and further in view of Toshiba.

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10. McGaffigan, Bradshaw et al. and Mimura et al. do not teach the daylight color as being fluorescent, however it would have been obvious to utilize such a color for the same reasons as described above.

11. Claim 7/6/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan and Bradshaw et al. as applied to claim 6/1 above, and further in view of Abe et al. WO 99/04604.

12. McGaffigan and Bradshaw et al. do not teach using electroluminescence, however this is well known in the art as shown by Abe et al. Abe et al. teach a luminescent device for a display. It would have been obvious to one of ordinary skill to utilize such a light source so that an efficient light source may be provided for the display.

13. Claims 7/6/2 and 7/6/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGaffigan, Bradshaw et al. and Mimura et al. as applied to claims 6/2 and 6/3 above, and further in view of Abe et al.

14. It would have been obvious to utilize an electroluminescent source for the same reasons as described above.

Conclusion

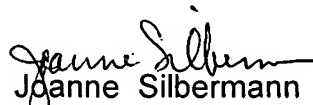
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 4618518 and 4005538 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joanne Silberman
Primary Examiner
Art Unit 3611

js
28 September 2007